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11 Attorneys for Defendant
SC MARKETING GROUP, INC.

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN FRANCISCO DIVISION

| | | |
|---------------------------------------|---|--|
| 16 CELLULOSE MATERIAL SOLUTIONS, LLC, |) | CASE NO.: 3:22-cv-03141-LB |
| |) | |
| 17 Plaintiff, |) | DECLARATION OF CHRISTOPHER |
| |) | D. MAYS IN SUPPORT OF |
| 18 v. |) | DEFENDANT'S MOTION FOR |
| |) | RECONSIDERATION OF ITS |
| 19 SC MARKETING GROUP, INC., |) | MOTION FOR SUMMARY |
| |) | JUDGMENT OF INVALIDITY [DKT. |
| 20 Defendant. |) | NO. 141]. |
| |) | |
| 21 |) | Judge: Hon. Laurel Beeler |
| 22 |) | Date: November 7, 2024 |
| 23 |) | Time: 9:30 a.m. |
| |) | Location: San Francisco Courthouse, |
| |) | Courtroom B – 15th Floor |

1 I, Christopher D. Mays, declare as follows:

2 1. I am an attorney at law duly licensed to practice in the State of California and before
3 this Court. I am an associate at the firm of Wilson Sonsini Goodrich & Rosati, counsel of record
4 for defendant-counterclaim plaintiff SC Marketing Group, Inc. (dba Thermal Shipping Solutions
5 “TSS”). I have personal knowledge of the facts set forth herein and, if called as a witness, could
6 and would testify competently thereto. I submit this declaration in support of the accompanying
7 Motion for Reconsideration of its Motion for Summary Judgment of Invalidity (Dkt. 141).

8 2. Attached to this Declaration as Exhibit 1 is a true and correct copy of Email
9 communication between T. Wilson and B. Scott et al., dated July 1, 2015 bearing bates number
10 TSS_00003888.

11 3. On September 18, 2024, I visited the Internet Archive website at
12 web.archive.org. Using that website, I observed archived versions of CMS’s packaging solutions
13 web pages at three points in time: December 15, 2015; April 30, 2016; and August 22, 2016.

14 4. Attached to this Declaration as Exhibits 2, 3, and 4 are true and correct copies of
15 archived web pages bearing bates numbers TSS_00008240 – TSS_00008249. None of these web
16 pages made reference to CMS’s Infinity Core or any product that includes a fibrous batt primarily
17 made of thermoplastic fibers and having a thermoplastic film adhered to both sides. The products
18 described on those web pages refer to products that are “at least 70% recycled and renewable fibers,
19 the majority of which is post consumer recycled newspaper.” *See id.*

20 5. These archived web pages also made no reference to Dinner Thyme, Nurture Life,
21 Munchury, or Thermal Shipping (or any product that had been provided to any of them).

22 I declare under penalty of perjury under the laws of the United States of America that the
23 foregoing is true and correct. Executed on 27 September 2024 in Santa Clara County, CA.

24 WILSON SONSINI GOODRICH & ROSATI
25 Professional Corporation

26 By: /s/ Christopher D. Mays

27 Christopher D. Mays

28 Attorneys for Defendant
SC MARKETING GROUP, INC.

TABLE OF EXHIBITS

| EXHIBIT | DESCRIPTION |
|----------------|--|
| 1. | TSS 00003888 |
| 2. | 12-15-15 Archived CMS webpage (TSS 00008240) |
| 3. | 4-30-16 Archived CMS webpage for thermal insulation Packaging (TSS 00008244) |
| 4. | 8-22-16 Archived CMS webpage for thermal insulation Packaging (TSS 00008248) |